

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JESSE WHITE,

Plaintiff,

v.

K.C. WITT, et al.,

Defendants.

CASE NO. C05-695JLR

MINUTE ORDER

The following minute order is made by the direction of the court, the Honorable James L. Robart:

This matter comes before the court on Plaintiff's motion for a 45-day extension time in order to respond to Defendants' summary judgment motion (Dkt. # 75). The remaining Defendants in this matter filed their motion for summary judgment on September 11, 2006 (Dkt. # 66). Based on the filing date, Plaintiff should have submitted his response on October 3, 2006. Instead, Plaintiff filed the instant motion for an extension of time on the evening of September 27, 2006 – just two court days before his brief was due. The summary judgment motion is ripe for the court's consideration this coming Friday, October 6, 2006.

The court issued its scheduling order setting trial for December 12, 2006 over one year ago (Dkt. # 19). The court sets trial dates and related dates to provide a reasonable schedule

1 for the resolution of disputes. The schedule generally provides 90 days between the deadline  
2 for filing dispositive motions and the trial date. This 90-day period takes into account: (a) an  
3 approximate 30-day lag between the date a party files a motion and the date that motion  
4 becomes ripe for the court's consideration, see Local Rules W.D. Wash. CR 7(d)(3); and (b)  
5 an additional 30 days during which the court endeavors to rule on the motion, id. at CR  
6 7(b)(5). Anything short of a 90-day period leaves inadequate time for the parties to consider  
7 the court's ruling and plan for trial or an alternate resolution.

8 Plaintiff's counsel, Lawrence Hildes, contends that he cannot file his brief on time for  
9 the following reasons: observance of religious holidays, work in other cases, work on  
10 discovery issues in this case, illness and exhaustion, loss of contact with a key witness, court  
11 appearances in other cases, participation in a delegation tasked with examining labor  
12 conditions on the Mexico-Texas border, vacation, and other trials. The vast majority of Mr.  
13 Hildes's reasons were known to him at the time that Defendants filed their motion and yet, he  
14 has waited until the eleventh-hour to request relief. The court declines to abandon its case-  
15 management principles cited above, particularly when the deadlines in this case have been set  
16 for over a year.

17 Based on the foregoing, the court GRANTS in part and DENIES in part Plaintiff's  
18 motion. Plaintiff's response is due October 10, 2006; Defendants' reply is due October 13,  
19 2006. The court directs the clerk to renote the motion for summary judgment (Dkt. # 66) for  
20 October 13, 2006.

21 Filed and entered this 3rd day of October, 2006.

22  
23 BRUCE RIFKIN, Clerk

24 By s/Mary Duett  
25 Deputy Clerk